



Senators Feinstein and Craig Calls for Passage of Legislation to Prevent Another Year of Devastating Agriculture Worker Shortages

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Washington, DC – *U.S. Senators Dianne Feinstein (D-Calif.) and Larry Craig (R-Idaho) today spoke on the Senate floor urging passage of the AgJobs bill to prevent continued agriculture worker shortages that this year forced farmers to leave their crops unpicked and rotting in the fields.*

The legislation would remedy the worker shortages affecting farmers across the country by establishing a pilot earned adjustment program for agriculture workers and by reforming the current H-2A guest worker program.

Senators Feinstein and Craig brought with them to the floor a letter from more than 375 grower's organizations and farmers calling for reforms to ensure that workers are able to enter the country to harvest their crops in the coming season. The groups said farmers are considering not planting their crops out of fear they will not have workers to harvest them next year.

The following is a transcript of Senator Feinstein's remarks, including an exchange with Senator Craig:

"Mrs. FEINSTEIN. Mr. President, Senator Craig rightly stated that management choices are being made right now. That, in fact, is true. We are seeing billions of dollars of an agricultural industry effectively being destroyed.

Some of it is competition from abroad, but much of it is the fact that growers and farmers have a 20-percent -- it is estimated -- labor shortage to plant, to harvest, to prune. There is tremendous uncertainty, I can tell you for a fact, in the largest State in the Union, and the largest agricultural State. Farmers do not believe they can get workers to harvest their crops, ergo they are not planting these crops.

Senator Craig and I came to the Senate before. We have written a joint letter to the leader. We have asked, please, because comprehensive immigration reform tends to be stalled, at least pass AgJOBS. An industry depends on it.

We have worked out AgJOBS. It has passed the Senate as part of the immigration bill. Just take out the part that is AgJOBS and pass it. It is a 5-year pilot. It involves the ability of the agricultural industry of our country to get labor, both through H-2A reform, which is contained, and through a 5-year pilot to try to secure a workforce for agriculture.

While I was in California, I had the opportunity to meet with growers and farmers. The cry for labor reform has only grown louder. What I will do is talk a little bit about the micro impact and then the macro impact.

California olive farmers delivered only about 50,000 tons of olives this year. That is down from 142,000 tons last year. So only one-third of the crop could be harvested this year because of a lack of labor. Farmers knew their crops were going to be light because of weather troubles. But even with the smaller crop to harvest, farmers had trouble hiring enough workers to work in their groves.

In Stanislaus County, a farmer by the name of Kevin Chiesa -- he is a grower and is the president of the Stanislaus Farm Bureau -- reported that they simply pulled their fig and peach trees out of the ground because they did not have enough workers to harvest the ripe fruit. Mr. President, 350 acres were pulled on his farm, leading to a net dollar loss of \$200,000 and a gross loss of \$750,000.

Now, that may not seem like much to some, but it sure is a lot to a farmer who depends on this money to pay his bank loans and to support his family and pay his mortgage.

In San Bernardino County, Richard Miller of Murai Farms saw his small farm of 130 acres struggle because of a lack of labor. He reported they experienced substantial loss in their strawberry crop, resulting in a half a million dollars in losses already this year. Mr. Miller has been farming since 1962, but the difficulties he has experienced have recently caused him to think about giving up his farm and leaving the profession for good.

Over and over again, I have heard that growers need an immediate fix. They do not know what to plant in the upcoming spring season because they do not know whether they will have the workers necessary to harvest the crops.

I will say that my friend and colleague, Senator Boxer, and I are in sync on this issue. She also has talked to growers and farmers. She also knows the problem. She also has been a strong supporter of the AgJOBS program. So in making my remarks today, I want to be certain that this body knows I am also speaking for my friend and colleague, Senator Boxer.

I have brought to the floor today a graphic illustration of one of our pear growers. Her name is Toni Scully. I have met Toni Scully. I met with her in California and she told me about the problems her family had experienced. Shown in this picture is Toni Scully in her pear orchard. Her family lost 25 percent of their bumper crop this year because they did not have sufficient labor to harvest the pears. As shown in the picture, here are the

pears all over the ground. They are all going to be either plowed under or thrown in the garbage. Here is a woman who will have lost essentially everything this year.

Now, other growers tell me they are afraid for the future. They are afraid to plant crops that will later be left to rot in the fields. So some growers are experimenting with moving their farms to Mexico. Last week, the New York Times ran an article that pointed out how much imported produce is now rising above exported produce. And one of the big problems is the produce produced at home is not assured; therefore, more produce is coming in from outside.

This is so shortsighted because we are throwing American families into jeopardy. Farming families cannot support themselves if they cannot produce their crops.

The Grape and Tree League of California -- now, this is a big trade organization representing what is a huge grape and fruit tree crop group -- they estimate that my State alone -- Senator Boxer's and my State -- has suffered approximately \$75 million in tree fruit and grape loss alone. That is a loss of \$75 million.

The American Farm Bureau Federation estimates that if this labor shortage continues, California agricultural production loss could be as high as \$3 billion each year in the short term and as high as \$4.1 billion in the long term. This is decimating. California agricultural income loss is projected to reach \$2.8 billion each year in the long term.

The problem is not just in California. Dairy farmers in Vermont, citrus growers in Florida, others throughout the country, have complained about the labor shortage and the uncertainty it creates for the future.

The Farm Credit Associations of New York estimate that if the labor shortage continues there, New York State will lose \$195 million in value of agricultural production and over 200,000 acres in production over the next 24 months.

The American Farm Bureau Federation estimates that if agriculture loses its migrant labor force, the national production loss in fruits and vegetables will be between \$5 billion and \$9 billion a year. This is not my estimate. This is the American Farm Bureau's estimate. They also say that over the long term, the annual production loss would increase to \$6.5 billion to \$12 billion each year.

These losses are not just limited to growers. The impact is felt throughout the economy. For every job lost on family farms and ranches, the country loses three to four jobs in related sectors -- equipment, inputs, packaging, processing, transportation, marketing, lending, insurance -- they are all supported by having agricultural production here in this country.

Low-producing farms mean a lowered local tax base as farms no longer generate income and create jobs.

Ultimately, the current farm labor situation is making Americans more dependent on foreign food. Instead of stocking produce grown and harvested in our country, America's grocers are increasingly filling their shelves with foreign-grown produce.

For decades, the fiercely independent fruit and vegetable growers of California, Florida, and other States, traditionally have shunned Federal subsidies. Now, they are now buckling under the pressure and asking us for Federal subsidies.

In just one example, because of labor shortages, U.S. avocado farmers may miss the January market window and lose out to Mexican avocado farmers who will be allowed to import into California in 2007. This will wipe out our local avocado crop. The fact that they cannot get the labor they need to harvest the fruits and vegetables only weakens our whole American agricultural industry.

Now, the reason for the shortage is simple. There is no readily available pool of excess labor to replace the 500,000 foreign migrant workers we have depended on for years. The work is hard. It is stooped. It is manual. The hours are long. To make a living, the laborer must travel around the region, from site to site, working for more than one employer, to coincide with the crop harvesting calendar. The problem is, we do not have enough American workers who are willing to do this job.

This week, Senator Craig and I received a letter signed by over 375 agricultural organizations and industry leaders from all over the country urging agricultural reform this year. As they point out, this is not a partisan issue. Every area of the country is affected.

In November, I received a letter signed by 147 growers' organizations and individual farmers. They point out in their letter that they cannot wait another year, that our State's pear growers had an exceptional crop, the best-looking crop in over 40 years, yet they suffered major losses. They point out:

While the pear losses were the most dramatic among the commodities, other producers suffered as well from delayed harvests, degraded quality and deferred cultural practices.

These crises are a big deal. Farm worker crews in my State during harvest were 60 percent of normal -- 60 percent of normal. What they say is:

Pending regulatory changes issued by the Department of Homeland Security propose to turn Social Security Administration's mismatch letters into immigration compliance documents. The proposal would allow DHS to prosecute and penalize employers across this country who do not terminate employees who cannot verify their status.

So, Mr. President, you see the problem. The farmers are going to be prosecuted if they hire someone who is not legal to harvest their crops. And they cannot find legal people to harvest their crops. That is the dilemma.

Further quoting the letter:

Even though today's employers follow current SSA requirements regarding mismatch letters, they would be in violation of the Department of Homeland Security proposal. If finalized, the DHS proposal will aggravate the current labor shortage problem in agriculture.

Bottom line, we cannot continue the way we are going. That is why Senator Craig and I have come to the floor. He has worked on this bill for 7 years. I finally got involved and we made some agreed-upon changes. I was able to introduce it in the Judiciary Committee as part of the immigration bill with these changes. We were able to address H-2A reform -- and I will go into that in a minute -- and it passed the Senate. And, as I say, we believe we have in fact 60 votes in this House.

The letter I spoke about and quoted from is signed by the Allied Grape Growers; California Association of Nurseries & Garden Centers; California Association of Wheat Growers; California Association of Winegrape Growers; California Bean Shippers Association; California Citrus Mutual; California Cotton Ginners & Growers Associations; California Egg Industry Association; California Farm Bureau Federation; California Fig Advisory Board; California Floral Council; California Grape and Tree Fruit; California Grain and Feed Associations; California League of Food Processors; California Pear Growers Association; California Seed Association; California State Floral Association; California Warehouse Association; FarWest Equipment Dealers Association; almost every county farm bureau; Nisei Farmers League; Olive Grower Council of California; and on and on and on, with different farms, grape growers, olive growers, cotton ginners, poultry farmers -- pages and pages of people pleading with us to do something. And we do nothing.

We will not repass a bill that has been passed by this Senate once, and we are in the middle of a major crisis. So I am kind of at my wit's end.

Let me tell you a little bit about the AgJOBS bill. It is a 5-year pilot. It would provide a one-time opportunity for trained and experienced agricultural workers to earn the right to apply for legal status. It would reform the H-2A visa process so that if new workers are needed, farmers and growers have a legal path to bring workers to harvest their crop. Workers can apply for a blue card if they can demonstrate with records that they have worked in American agriculture for at least 150 days within the previous 2 years.

I can see my time is running out. May I have a couple minutes more to sum up?

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed for at least 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much. The blue card would require that they work in American agriculture for an additional 150 workdays per year for 3 years, or 100 workdays per year for 5 years. At the end of that time, they would be able to obtain a green card. Over the 5 years, it would apply to 1.5 million individuals, which would provide a stable, ongoing workforce for the United States. Workers would be required to pay a fine of \$500, show that they are current on their taxes, that they have not been convicted of a crime that involves bodily injury or harm to property in excess of \$500. Employment would be verified. The program would be capped and sunset.

The Department of Homeland Security would ensure that the ID cards are encrypted, that they have biometric identifiers, that they contain anticounterfeiting protections. So you would be able to identify 1.5 million people who are currently illegal. You would know who they are. You would know they are now legal. You would know they were working in agriculture, which desperately needs them.

We would also streamline the current agricultural guest worker program, the H-2A program, which is now unwieldy and ineffective. The bill would shorten the labor certification process, which now takes 60 days or more, reducing the approval process to 48 to 72 hours.

There are a number of specifics. It freezes the adverse wage rate for 3 years, to be gradually replaced with a prevailing wage standard. The H-2A visas would be secure and counterfeit resistant. In this way, agricultural labor would have a permanent workforce and you would have a secure guest worker program, H-2A, where necessary, to go in to areas for short periods of time. It is a win/win situation. It has passed this Senate.

The losses are in the hundreds of millions of dollars across the Nation, and we do nothing. We stiff the American agricultural industry. I have a hard time understanding that. I know the votes are here to do it. We could probably do it. Through the Chair, I ask Senator Craig, does he not believe we could pass this bill with maybe an hour on the floor of the Senate.

Mr. CRAIG. I thank the Senator for asking the question. This is not an unknown issue. We all understand it. The Congress understands it. The election is over. People can decide whether they survived or failed because of their position one way or another on immigration. The reality of what she and I talk about is so real today. We knew it then; we know it now. We have the 60 votes. We have had them for some time. There is no question in my mind, with the reforms we are talking about, this could become law and we could pass it in the Senate.

Mrs. FEINSTEIN. If I may, the letter we wrote to Leader Frist asking that it be calendared, has the Senator received a response? Because I have not.

Mr. CRAIG. I have not either. Obviously, we are in the closing hours of the 109th Congress. Whether we could get it done now, but more importantly, get it done when we get back very early in the year, is going to be critical to us.

Mrs. FEINSTEIN. That is the point. We did not just write this letter. Perhaps the frustration is showing today. It would be my hope we could get this calendared sometime in January and get it passed so that the spring plant can happen all throughout this Nation. Otherwise, I can only tell you, in my State, farmers who can are going to go to Mexico. Farmers who can are going to plant in Mexico. Is this what we want to have happen? I don't think so.

I thank Senator Craig for his longstanding work on this issue and for his leadership. When one comes to the floor of the Senate, sometimes one thinks nobody is listening. I hope somebody is listening. I hope people recognize that we have a huge industry out there. It needs attention. It needs a workforce. Americans will not do this work. Therefore, it is a migrant workforce that does the work. There is a methodology to legalize it, to limit it, to sunset it, and to fix what has been a broken H-2A program and in a bill that has already passed the Senate once already during the 109th Congress.

I thank the Chair and my colleague from Idaho.”

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